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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,458

Applicant(s)

KRAFT ET AL.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3677

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 15-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAP 2002/0057212 to Hamilton et al. Hamilton et al teaches a transportation information system and method (100) comprising a multi-mode control center (102) interconnected to multiple transportation mode systems (buses, ferries, trains, airplanes) 104 via communication links. The multi-mode control center allows information from the transportation mode systems to be distributed to people (public, commuters, travelers, etc.) interested or affected by transportation information. The multi-mode control center is a high-level system which tracks, collects, extracts, analyses, forecasts and presents transportation information data (arrival time, departure time, closures, delays, locations, times, etc.) between the transportation mode systems and to the public via display units at numerous venues (bus stops, terminals, ferry ports, landings, etc). In a preferred illustration (col. 5, par. 0052 & 0053) Hamilton et al explains that one of the transit systems (bus system) is monitored and tracked in which the multi-mode control center includes a data extractor (230) that interfaces with the bus system to determine essential data (actual time of arrival to next stop- target or forecast time of arrival), which in this example, a bus within the bus system is monitored and relays a delay because of a blockage along the bus route.

Art Unit: 3677

This information is then transmitted downstream to those persons affected by the delay via the display units resulting in a period of inactivity for those affected. However, Hamilton et al does not specifically teach a comparisons based on one or more rules from a first set of rules, the difference of the actual time and target time against a threshold time in order to detect a window of opportunity information based on one or more rules from a set of second rules in order to distribute this window of opportunity information to service providers or merchants to enhance sales of the merchants or providers. Instead, Hamilton et al teaches an advertising system (112) designed to sell products and services to consumers through the transportation systems via the display units strategically placed to ensure maximum exposure to the consumers. Moreover, Fig. 21 shows the advertising system displaying an ad for a food item and that these advertisements are pre-programmed.

But, Hamilton et al goes further to explain that non-public advertisements are presented as captured from the data streams of information and then broadcasted, which to one having ordinary skill can assume as a live update feed or an open opportunity to assimilate data information to people in a particular venue. Thus, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious (referring to the bus system example above) that the data extracted by the extractor of the multi-mode control center is based on procedures, rules, guidelines within a particular transit system database, which calculates the difference between the actual time and target time of the buses next destination point to formulate a threshold time, defined as the time necessary or needed for a vendor/seller/service provider to present their advertisement via the advertising system, to the inactive commuter(s)/consumer(s) delayed by the bus through the display unit(s) at the bus stop to

Art Unit: 3677

enhance sales of goods or services. In particular, this obvious modification can be realized even more clearly in combination with Fig. 22, which shows an advertisement for a special sale on coffee at a bus stop via a display unit located at a bus stop (col. 6, par. 0079).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the transportation information system taught by Hamilton et al to include an enhanced transportation system that provides information from numerous modes of transportation to passengers or commuters or consumers in an entertaining, informative and passenger or commuter or consumer-friendly manner.

As to claims 3, 4, 11, 30 and 31, although Hamilton et al discloses that the data transmitted between the major component is encoded data over a number of communication links well known within the art including the Internet, Hamilton et al does not specifically disclose that this data schema is document type definition (DTD) or extensible markup language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the multi-mode control center of Hamilton et al to provide a transportation information system including software offering trouble-free business- to- business practicality.

Claim 11, Hamilton et al discloses that the processor (202) and data extractor (230) of the multi-mode control center operate as the "enhanced gatherer" and "retriever" of information from the computer platform of the various transit systems. Hamilton et al does not disclose that the above components comprise a web crawler as claimed.

Art Unit: 3677

However, it is obvious to one having ordinary skill in the art that the operation to retrieve, interpret and execute data obtained from the computer platforms of the transit systems, achieve the same end result as applicant's web crawler and, since no new or unexpected result is achieved, the components disclosed by Hamilton et al operates equally as well.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment A on October 3, 2003 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 15-19 of the above amendment and to the amendment to the claims, USPAP 2002/0057212 to Hamilton et al has been cited to meet the limitations of the claims as an obvious-type rejection. Accordingly, claims 1-13 and 15-33 are found to be unpatentable over Hamilton et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

Art Unit: 3677

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson
Patent Examiner
AU 3677

ALJ


R. L. Jackson
Patent Examiner